

### REMARKS

The Office Action mailed December 6, 2006, has been received and reviewed. Claims 1-31 are currently pending in the application. Claims 1-31 stand rejected. Applicants have amended no claims, and respectfully request reconsideration of the application as presented herein.

#### Claims Rejections Under 35 U.S.C. § 103(a)

**Claims 1-3, 5, 6, 8-24, 26-31** were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent 6,937,861 to Vanghi (hereinafter “Vanghi”) in view of U.S. Patent 6,836,478 to Huang et al. (hereinafter “Huang”). This rejection is respectfully traversed. Applicants respectfully traverse this rejection, as hereinafter set forth.

M.P.E.P. 706.02(j) sets forth the standard for a Section 103(a) rejection:

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or combine reference teachings. Second, there must be a reasonable expectation of success. Finally, **the prior art reference (or references when combined) must teach or suggest all the claim limitations.** The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant’s disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991). (Emphasis added).

The 35 U.S.C. § 103(a) obviousness rejections of claims 1-3, 5, 6, 8-24, 26-31 are improper because the elements for a *prima facie* case of obviousness are not met. Specifically, the rejection fails to meet the criterion that the prior art reference must teach or suggest all the claims limitations.

#### Claims 1-3, 5, 6, 8, 9 16-24, 26, 31

Regarding independent claim 1 and claims 2, 3, 5, 6, 8, 9 depending therefrom, independent claim 16, independent claim 17 and claims 18-24, 26 depending therefrom, and independent claim 31, Applicants’ independent claims 1, 16, 17 and 31 include claim limitations not taught or suggested in the cited references.

Each of Applicants' independent claims 1, 16, 17 and 31 recite, in part, "transmit[ing] [a] pause command to the first wireless network" and "transmit[ing] a resume command to the first wireless network". Applicants respectfully assert that neither Vanghi nor Huang, either individually or in any proper combination, teach or suggest Applicants' invention as presently claimed in independent claims 1, 16, 17 and 31.

Generally, Vanghi teaches or suggests an access terminal communicating with a data network and then the access terminal unannouncingly ignores the data network while going to service a voice network. (Vanghi, col. 5, lines 31-54). Then, when Vanghi returns from servicing the voice network, Vanghi determines (via monitoring its "time of suspension") if the data network has dropped the connection thereby requiring the Vanghi access terminal to request a new connection with the data network. (Vanghi, col. 8, 21-34). If the "time of suspension" has not expired, then the access terminal continues communicating with the data network, otherwise, the data network would have terminated the connection with the access terminal requiring the access terminal to request a new connection. (Vanghi, col. 8, lines 41-50). Furthermore, Vanghi is silent regarding any data flow messaging from the access terminal "to the [] network" either prior to the Vanghi access terminal ignoring the data network or after returning back to the ignored data network after servicing the voice network.

Huang teaches or suggests data flow commands (i.e., first request and second request) being sent from the IP telephony network to the access terminal (i.e., customer premises equipment) which is opposite to Applicants' claim elements of "transmit[ing] [a] pause command to the first wireless network" and "transmit[ing] a resume command to the first wireless network". (Huang, col. 2, lines 5-7, 11-14).

Therefore, since neither Vanghi nor Huang teach or suggest "transmit[ing] [a] pause command to the first wireless network" and "transmit[ing] a resume command to the first wireless network", these references, either individually or in any proper combination, cannot render obvious, under 35 U.S.C. §103, Applicants' invention as presently claimed in Applicants' independent claims 1, 16, 17 and 31, from which claims 2, 3, 5, 6, 8, 9, 18-24, 26 variously depend. Accordingly, Applicants respectfully request the rejections of presently presented independent claims 1, 16, 17 and 31 be withdrawn.

The nonobviousness of independent claims 1, 16, 17 and 31 preclude rejections of claims 2, 3, 5, 6, 8, 9, 18-24, 26 which variously depend therefrom because a dependent claim is obvious only if the independent claim from which it depends is obvious. *See In re Fine*, 5 U.S.P.Q.2d 1596, 1600 (Fed. Cir. 1988), *see also* MPEP § 2143.03. Therefore, the Applicants request that the Examiner withdraw the 35 U.S.C. § 103(a) obviousness rejections to independent claims 1, 16, 17 and 31 and claims 2, 3, 5, 6, 8, 9, 18-24, 26 which variously depend therefrom.

### **Claims 10-15**

Regarding independent claim 10 and claims 11-15 depending therefrom, Applicants' independent claim 10 includes claim limitations not taught or suggested in the cited references.

Applicants' independent claim 10 recites, in part, “*transmitting a pause command to the first wireless network*”. Applicants respectfully assert that neither Vanghi nor Huang, either individually or in any proper combination, teach or suggest Applicants' invention as presently claimed in independent claim 10.

As stated, Vanghi teaches or suggests an access terminal communicating with a data network and then the access terminal unannouncingly ignores the data network while going to service a voice network. (Vanghi, col. 5, lines 31-54). Then, when Vanghi returns from servicing the voice network, Vanghi determines (via monitoring its “time of suspension”) if the data network has dropped the connection thereby requiring the Vanghi access terminal to request a new connection with the data network. (Vanghi, col. 8, 21-34). If the “time of suspension” has not expired, then the access terminal continues communicating with the data network, otherwise, the data network would have terminated the connection with the access terminal requiring the access terminal to request a new connection. (Vanghi, col. 8, lines 41-50). Furthermore, Vanghi is silent regarding any data flow messaging from the access terminal “to the [] network” either prior to the Vanghi access terminal ignoring the data network or after returning back to the ignored data network after servicing the voice network.

Also as stated, Huang teaches or suggests data flow commands (i.e., first request and second request) being sent from the IP telephony network to the access terminal

(i.e., customer premises equipment) which is opposite to Applicants' claim element of "transmitting a pause command to the first wireless network". (Huang, col. 2, lines 5-7, 11-14).

Therefore, since neither Vanghi nor Huang teach or suggest "transmitting a pause command to the first wireless network", these references, either individually or in any proper combination, cannot render obvious, under 35 U.S.C. §103, Applicants' invention as presently claimed in Applicants' independent claim 10, from which claims 11-15 depend. Accordingly, Applicants respectfully request the rejection of presently presented independent claim 10 be withdrawn.

The nonobviousness of independent claim 10 precludes rejections of claims 11-15 which depend therefrom because a dependent claim is obvious only if the independent claim from which it depends is obvious. See In re Fine, 5 U.S.P.Q.2d 1596, 1600 (Fed. Cir. 1988), see also MPEP § 2143.03. Therefore, the Applicants request that the Examiner withdraw the 35 U.S.C. § 103(a) obviousness rejections to independent claim 10 and claims 11-15 which depend therefrom.

### **Claims 27-30**

Regarding independent claim 27 and claims 28-30 depending therefrom, Applicants' independent claim 27 includes claim limitations not taught or suggested in the cited references.

Applicants' independent claim 27 recites, in part, "the pause command and the resume command are transmitted to the first wireless network". Applicants respectfully assert that neither Vanghi nor Huang, either individually or in any proper combination, teach or suggest Applicants' invention as presently claimed in independent claim 27.

As stated, Vanghi teaches or suggests an access terminal communicating with a data network and then the access terminal unannouncingly ignoring the data network while going to service a voice network. (Vanghi, col. 5, lines 31-54). Then, when Vanghi returns from servicing the voice network, Vanghi determines (via monitoring its "time of suspension") if the data network has dropped the connection thereby requiring the Vanghi access terminal to request a new connection with the data network. (Vanghi, col. 8, 21-34). If the "time of suspension" has not expired, then the access terminal

continues communicating with the data network, otherwise, the data network would have terminated the connection with the access terminal requiring the access terminal to request a new connection. (Vanghi, col. 8, lines 41-50). Furthermore, Vanghi is silent regarding any data flow messaging from the access terminal “to the [] network” either prior to the Vanghi access terminal ignoring the data network or after returning back to the ignored data network after servicing the voice network.

Also as stated, Huang teaches or suggests data flow commands (i.e., first request and second request) being sent from the IP telephony network to the access terminal (i.e., customer premises equipment) which is opposite to Applicants’ claim element of “the pause command and the resume command are transmitted to the first wireless network”. (Huang, col. 2, lines 5-7, 11-14).

Therefore, since neither Vanghi nor Huang teach or suggest “the pause command and the resume command are transmitted to the first wireless network”, these references, either individually or in any proper combination, cannot render obvious, under 35 U.S.C. § 103, Applicants’ invention as presently claimed in Applicants’ independent claim 27, from which claims 28-30 depend. Accordingly, Applicants respectfully request the rejection of presently presented independent claim 27 be withdrawn.

The nonobviousness of independent claim 27 precludes rejections of claims 28-30 which depend therefrom because a dependent claim is obvious only if the independent claim from which it depends is obvious. See In re Fine, 5 U.S.P.Q.2d 1596, 1600 (Fed. Cir. 1988), see also MPEP § 2143.03. Therefore, the Applicants request that the Examiner withdraw the 35 U.S.C. § 103(a) obviousness rejections to independent claim 27 and claims 28-30 which depend therefrom.

**Claims 4, 7 and 25** were rejected under 35 U.S.C. § 103(a) as being unpatentable over Vanghi in view of Huang and further in view of U.S. Patent 6,487,399 to Rajaniemi et al. (hereinafter “Rajaniemi”). This rejection is respectfully traversed. Applicants respectfully traverse this rejection, as hereinafter set forth.

The nonobviousness of independent claim 1 precludes rejections of claims 4 and 7 which depend therefrom because a dependent claim is obvious only if the independent claim from which it depends is obvious. See In re Fine, 5 U.S.P.Q.2d 1596, 1600 (Fed.

Cir. 1988), *see also* MPEP § 2143.03. Therefore, the Applicants request that the Examiner withdraw the 35 U.S.C. § 103(a) obviousness rejections to independent claim 1 and claims 4 and 7 which depend therefrom.

The nonobviousness of independent claim 17 precludes a rejection of claim 25 which depends therefrom because a dependent claim is obvious only if the independent claim from which it depends is obvious. *See In re Fine*, 5 U.S.P.Q.2d 1596, 1600 (Fed. Cir. 1988), *see also* MPEP § 2143.03. Therefore, the Applicants request that the Examiner withdraw the 35 U.S.C. § 103(a) obviousness rejections to independent claim 17 and claim 25 which depends therefrom.

### REQUEST FOR ALLOWANCE

In view of the foregoing, Applicants respectfully submit that all pending claims in the present invention are in a condition for allowance, which is earnestly solicited. Should any issues remain unresolved, the Examiner is encouraged to telephone the undersigned at the number provided below.

Please charge any fees or overpayments that may be due with this response to Deposit Account No. 17-0026.

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